

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

VANESSA SERNA

*Plaintiff,*

vs.

UNITED STATES INTERNATIONAL  
BOUNDARY AND WATER  
COMMISSION

*Defendant.*

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Civil Action No. 1:19-cv-192

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PLAINTIFF'S ORIGINAL COMPLAINT AND  
FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT

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To The Honorable Judge of This Court:

*COMES NOW* Plaintiff, Vanessa Serna, and files this Original Petition, complaining of and about Defendant, United States, International and Water Boundary Commission, and for causes of action files this Petition. In support, Plaintiff would show:

**I. PARTIES**

1. Plaintiff, Vanessa Serna, is an individual who resides in Cameron County, Texas and is a citizen of Texas.

2. Defendant, International Boundary and Water Commission, United States and Mexico, United States Section, is an agency of the United States of America, and may be served by serving the United States of America through delivering a copy of the summons and of the complaint to the United States Attorney for the Southern District of Texas, and by sending a copy of the summons and of the complaint by mail to the Attorney General of the United States and to Defendant.

## **II. JURISDICTION**

3. This Court has jurisdiction over the lawsuit because the suit arises under 28 U.S.C. § 1351, otherwise known as the Federal Tort Claims Act, which grants federal district courts jurisdiction to hear cases arising under that statute.

## **III. VENUE**

4. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because all or a substantial part of the events or omissions giving rise to this claim occurred in this district.

## **IV. CONDITIONS PRECEDENT**

5. All conditions precedent have been performed or have otherwise occurred.

## **V. FACTS**

6. On or about May 30, 2018, Plaintiff was injured when the vehicle she was driving was struck by a large tractor-trailer being driven by Defendant's employee, Salvador Mejia, while working for Defendant.

## **VI. CAUSES OF ACTION**

### **A. Count One - Negligence and Vicarious Liability**

7. Defendant's employee Salvador Mejia owed Plaintiff and others on the road a duty not to injure her or needlessly endanger the motoring public. Defendant's employee breached that duty when he:

1. Turned when it was not safe to do so;
2. Failed to maintain proper control of his tractor-trailer;
3. Failed to drive and turn from one lane of travel;
4. Invaded Plaintiff's lane of travel; and/or

5. Turned in an improper and unsafe fashion.
8. Defendant's employee's negligence proximately caused Plaintiff's injuries.
9. Plaintiff seeks to hold Defendant liable for the negligent conduct of its employee as if Defendant performed that conduct itself.

## **VII. DAMAGES**

10. As a direct and proximate result of Defendant's employee's conduct, Plaintiff suffered the following injuries and damages:

- A. Medical expenses in the past and future;
- B. Property damage;
- C. Physical pain in the past and future;
- D. Mental Anguish in the past and future;
- E. Loss of earning capacity.

## **PRAYER**

For these reasons, Plaintiff asks for judgment against Defendant for the following:

1. Actual damages;
2. Pre and post-judgment interest to the extent allowed by law;
3. Taxable court costs
4. Any other relief the Court deems appropriate.

Respectfully submitted,  
**THE GREEN LAW FIRM, P.C.**

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